

Meeting of 1999-7-27 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JULY 27, 1999 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Cecil E. Powell, Also Present:
Presiding Bill Baker, City Manager
 John Vincent, City Attorney
 Brenda Smith, City Clerk
 Lt. Col. Jeff Ewing, Fort Sill Liaison

The meeting was called to order at 6:00 p.m. with Invocation by Deacon Leo Martinez, Holy Family Church, followed by the Pledge of Allegiance. Notice of meeting and agenda were posted on the City Hall notice board as required by State Law.

ROLL CALL

PRESENT: G. Wayne Smith, Ward One
 Richard Williams, Ward Two
 Glenn Devine, Ward Three
 John Purcell, Ward Four
 Robert Shanklin, Ward Five
Charles Beller, Ward Six
 Stanley Haywood, Ward Seven
 Randy Warren, Ward Eight

ABSENT: None.

PRESENTATION OF CITIZEN OF THE MONTH AWARD TO PAUL HUGHES

Donna Richey, Mayor's Commission on the Status of Women, introduced Paul Hughes as Citizen of the Month for July. Mr. Hughes' volunteer efforts with the Lawton Jaycees, Elks Lodge, Easter Pageant, Mobile Meals, AMBUCS and McMahon Auditorium Board were reviewed, as well as offices he held with the organizations and projects he had worked on. Mayor Powell presented commendations from the Oklahoma State House of Representatives, Oklahoma State Senate, Congressman J.C. Watts and the City of Lawton. Mr. Hughes said he was honored to receive the award and did not feel worthy. He said the rewards he received through volunteering were watching persons who were shut-ins be able to leave their homes on their own because he and other volunteers had built a wheel chair ramp for them, and to watch a handicapped child be able to ride a tricycle that was especially made for them due to their disability through the efforts of the organizations. Mayor Powell commended Mr. Hughes' efforts.

PRESENTATION OF PROCLAMATION TO JUSTIN DARE, BRITTANY AND JOSHUA YOUNG FOR BEING INVITED TO THE NATIONAL HERSHEY TRACK & FIELD PROGRAM TO BE HELD IN HERSHEY, PENNSYLVANIA, AUGUST 12-15, 1999.

Gary Salva, Parks & Recreation Director, introduced Ester Moreno and Alicia Mitchell from the Parks & Recreation Department to present the awards. Moreno and Mitchell explained the competitions held so far that qualified these young people to be able to attend the national event in Pennsylvania. Presentations were also made to Darin Burton, Taylor Thorne, and Joshua Young in honor of their qualification to compete in the Junior Goodwill Games to be held in Atlanta, Georgia. Mayor Powell presented commendations from Congressman J.C. Watts, Governor Frank Keating, Senators Helton and Maddox, and from the City of Lawton. He recognized their coach's efforts, pointing out that their coach was stationed at Fort Sill and that the relationship between Lawton and Fort Sill was made stronger by such efforts. Mayor Powell encouraged each young person to compete to the best of their abilities and said he was proud of their efforts.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF JULY 13, 1999.

MOVED by Williams, SECOND by Haywood, for approval of the minutes. AYE: Williams, Devine, Purcell, Shanklin,

Beller, Haywood, Warren. NAY: None. ABSTAIN: Smith. MOTION CARRIED.

AUDIENCE PARTICIPATION:

Don Barrington, Fire Chief, introduced Jim Barfield for a presentation regarding a proposed equipment purchase for the Fire Department by the Junior League. Barfield explained the Junior League had offered to raise funds to assist in the purchase of automatic defibrillating equipment and a thermal imaging device for use by firefighters when responding to medical emergencies. Representatives were present from the Junior League, Kirk's Emergency Service, Comanche County Memorial Hospital Emergency Service, and Dr. DeBiasse, who explained the importance of administering this type of medical aid as soon as humanly possible after a person has suffered heart problems. Barfield said packets of information had been presented to Council in this regard and that the equipment came with an indemnity agreement which should lessen the City's liability with use of the equipment; he explained use of a thermal imaging device in locating victims in fire scenes. Council indicated general agreement in allowing use of the equipment by the Fire Department personnel and expressed appreciation for the Junior League's fund raising efforts.

UNFINISHED BUSINESS:

1. Hold a public hearing and adopt resolutions declaring the structures at 910-1/2 SW D Avenue, 108 and 108-1/2 NW Dearborn Avenue, and 601 SW Magnolia Avenue to be dilapidated and detrimental to the health, benefit and welfare of the community, and authorize the expenditure of CDBG funds, if necessary, to demolish the structures. Exhibits: Resolution No. 99- _____; 99-_____ and 99-_____.

1) 910-1/2 SW D Avenue, Lawton Original Addition, Block 54, Lot 5, Comanche County, Lawton, Oklahoma; Title Holders: Geldina R. Lazarte; Mortgage Holders: Security Bank & Trust; Jason L. and Margo Lubbers

Dan Tucker, Code Administration Director, presented a video of the property, which was tabled on June 29, 1999. No changes have been made to the property. Tucker said the City Attorney was to see if there was a requirement to have the property remain until a related court case was completed. Vincent reported he contacted the attorneys involved and that Mr. Herzig's attorney had responded that there was no court order prohibiting demolition of the structure but there was a gentleman's agreement between the attorneys not to demolish it until the investigation was complete. He said Herzig's attorney feels the investigation is completed and that there was no legal reason to stop the City from demolishing it if it is detrimental to the community; if something else comes up, Herzig's attorney will file an action to have demolition stopped.

PUBLIC HEARING OPENED.

Henry Herzig, 1102 SE Flower Mound Road, said he applied for a building permit, wanted to remodel the structure and had a contractor ready to do the job. Tucker said a permit had not been issued and it was being reviewed; staff would not have issued a permit until after Council action tonight.

Williams asked if the building is in a condition where it can be rebuilt. Herzig said it is structurally sound and that it would require an expenditure to redo it. Tucker agreed it is structurally sound and not in danger of collapse; the floor ceiling assembly is burned through to the second level and some of the rafters and tail pieces are burned, so it will take a sizeable investment to make it habitable because the entire structure will be required to be brought to today's standards.

PUBLIC HEARING CLOSED.

Shanklin suggested Council go along with Herzig and that there was a cost estimate of around \$35,000 to remodel the project but everyone knew it could be done cheaper than that. Shanklin asked that this be tabled and not be brought back unless Mr. Herzig does not get a building permit.

Vincent said the building has been placarded and once that occurs, we are prohibited by Council direction from issuing a building permit until Council makes the determination on whether the building is detrimental or not, and if it is not detrimental, then Tucker can issue a building permit if all the other factors are complied with, but if Council determines it is to be demolished, then it cannot be issued a building permit. Vincent said if it is tabled, it sits in limbo.

MOVED by Shanklin, SECOND by Haywood, that this not be brought back unless Mr. Herzig does not receive a building permit within the next two weeks. AYE: Devine, Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams. NAY: None. MOTION CARRIED.

2) 108 and 108-1/2 NW Dearborn Avenue, North Addition, Block 24, Lot 4, Comanche County, Lawton, Oklahoma. Title Holders: Clinton W. and Phyllis Cobb, Sr.; Mortgage Holders: H & N Enterprises Mtg.

Tucker presented video of the property and said the property was tabled June 29, 1999, to allow the owner to have

an opportunity to apply for a building permit. The owner has submitted a building permit request and plans, which were professionally prepared, but some needed items were not included and discussions are on-going with the owner to get the additional information needed to issue a building permit. Condition of the property has not changed since June 29; concerns are the second floor level in the two story house with a deflection across some rooms as great as 12" in that the original timbers were undersized and there is quite a sag. Staff has been talking with the owner, or his representative, on a regular basis trying to work these things out.

Williams asked if the persons shown as title holders, the Cobb family, were the ones who applied for the building permit. Tucker said no, it was a man by the name of Packard who had acquired the property from the Cobb estate. Warren asked if Council tabled it because the owner was in New York City and was not able to be present. Haywood said yes. Warren asked if the owner was present tonight. Haywood said the owner has a representative present tonight and that the owner had called him numerous times and had called Code Administration, engineers, and was trying to find a contractor, but he has a site manager now. Shanklin said he had no problem in allowing the remodeling to take place.

PUBLIC HEARING OPENED.

Eula Jeffries, 1721 SW 12th Street, said she was speaking in behalf of Paul Packard, owner of the property being discussed. She said she had been assisting Mr. Packard in getting contractors and in getting estimates, and they are in the final stage of obtaining estimates. Jeffries said some had pulled out stating they could not do the work in the allotted time, so the request was to allow him a little more time to finalize the estimates on renovation of the property. She said they had hired someone to clean up the property.

Shanklin asked if the owner was ready to apply for the remodeling permit or if it would be another 90 days or six months before that happened. Jeffries said they would like to have at least a couple of weeks to get everything done on the permit, then a six month period to do the renovation.

Shanklin said he would have two weeks to get a building permit and then six months, and if the permit is not issued in the next two weeks he did not know if Council would wait much longer. Mayor Powell asked Ms. Jeffries for her telephone number and it was stated as 357-0753.

PUBLIC HEARING RECESSED.

MOVED by Shanklin, SECOND by Haywood, to go along with Mr. Packard and Ms. Jeffries and allow them to apply for their building permit within the next two weeks and then they will have six months to get this job done.

Baker said if Council wanted to allow the owner two weeks to get a permit, it may be better to table this for two weeks because if the resolution is disapproved, the process would have to be started over. Tucker agreed and said Mr. Packard has already applied for a building permit and they are waiting on information to issue it; the owner is having difficulties getting engineering work done and someone to tell them what size beams they need; there is a lot of construction going on right now and it is hard to find contractors. Tucker said his suggestion would be to table it.

AMENDED MOTION by Shanklin, SECOND by Haywood, to table this for two weeks allowing Mr. Packard to get his building permit. AYE: Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams, Devine. NAY: None. MOTION CARRIED.

3) 601 SW Magnolia Avenue, Capitol Hill Addition, Block 16 S/2, Comanche County, Lawton, Oklahoma. Title Holders: Mary C. Bartholomew; Mortgage Holders: None.

Tucker presented video of the property and stated on June 29, 1999, Council tabled action. Property contains cinder block structures and a small wooden storage shed. The owner was asked to discuss a plan for use of the property with the department, and that was done and the owner is present. Tucker said the owner intends to remove one roof and the one small building that is in danger of collapse, and intends to construct a single family residence and the concrete floor and cinder block walls are in good shape; the owner would like to leave them remaining as shells until he is able to get the home built and then the other structures would become accessory buildings.

PUBLIC HEARING OPENED.

Gary Butler, 1816 NW 80th Street, property owner, said he was present to answer questions.

PUBLIC HEARING CLOSED.

Haywood asked if Butler needed a permit. Tucker said he would not need a permit to remove the roof, and the plan submitted is not something that will happen immediately, although the owner intends to bring everything into a

safe condition immediately. Tucker said if Council agreed with that plan, the appropriate action would be to deny the resolution.

MOVED by Haywood, SECOND by Shanklin, to deny the resolution.

Shanklin asked if the owner has to clean up the property and Tucker said yes.

VOTE ON MOTION: AYE: Shanklin, Beller, Haywood, Warren, Smith, Williams, Devine, Purcell. NAY: None. MOTION CARRIED.

Shanklin asked if these three items could have been done by staff. Baker said they were returned because Council tabled the action on them, and that staff would not have the authority to act on a resolution. Shanklin said he felt Tucker should have the authority to allow someone to proceed and not be delayed. Tucker said he had that authority prior to announcing the public hearing, and what has happened in the past is that they are completely ignored until a public hearing is set, and then the day or week of the Council meeting, the owner applies for a permit which staff had been asking them to get for years.

2. Consider approving the concept of a City Planning Commission as authorized by Title 11 of the Oklahoma Statutes. Exhibits: 6/22/99 Council agenda item commentary; Procedural flow chart; Amended language in LMAPC By-Laws.

Bob Bigham, Planning Director, said the item was considered at the June 22 Council meeting and tabled to allow time for the LMAPC to consider amending its by-laws to address some concerns of Council members. LMAPC, at its July 14 meeting, did amend the by-laws to address those concerns and an exhibit is a flow chart showing the amended procedures.

Shanklin asked if we were waiting to hear from the Attorney General, and if his response could cause this to be unnecessary. Vincent said it was his understanding that Representative Kirby contacted the Attorney General and they are in the process of reviewing it and have done a draft opinion that will alter the City Attorney's opinion but not change the ultimate outcome, and that the change would be from six votes to a majority of the commission, so it would not be a material change. Vincent said the opinion would be published and then released, and it could be next week or in two months.

Purcell complimented Pat Henry, LMAPC and Deborah Jones on this effort. He said this is a way to not create a separate commission yet allow Council to give its guidance to LMAPC. Purcell said it was his understanding that the only change being considered by the Attorney General was the question of whether five or six votes were required but that under Title 19, it would still be the same problem, so this is the way to get around Title 19, and until Title 19 can be changed, the problem is still there. He said this needs to be passed, and if the Attorney General at a later date says it is just a recommendation, then this can be done away with, but until that happens, the problem remains. Purcell said this is a way to leave the LMAPC in place with the same powers and allow Council to provide advice when needed. He said if a Land Use Plan amendment is needed, presented to LMAPC and approved, the procedure would not change.

Shanklin asked how many public hearings would this amendment require. Purcell said there was not a change in the number of public hearings. Shanklin asked if it would be one before LMAPC, one before Council, and then another before LMAPC to concur with Council's findings. Purcell said right now the LMAPC holds one and Council holds one, and that would not change, although it does add time for LMAPC to ask the Council's opinion, but there may be a way to cut that down by changing LMAPC's meeting dates and not delay it quite as long.

Bigham said if the LMAPC concurs with a request for amendment to the Land Use Plan, there is no change in procedure. Only in cases where LMAPC has negative findings will they close the public hearing, forward an agenda item to Council for review and consideration, and forward that comment back to the LMAPC for their final action. Bigham said that process will take additional time.

Shanklin said we are assuming that LMAPC will follow what Council recommends, and asked if a public hearing would be held before Council after that. Bigham said there would be a public hearing before Council. Shanklin said that would be two public hearings and Bigham said that is what we have now. Shanklin said there would be one hearing at LMAPC and two at Council. Purcell said Council would not have a public hearing the first time it comes up and it is only an opinion at that point, and there are two public hearings now and there will be two public hearings under this change.

MOVED by Purcell, SECOND by Smith, to not approve the concept of a city planning commission. AYE: Beller, Haywood, Warren, Smith, Williams, Devine, Purcell, Shanklin. NAY: None. MOTION CARRIED.

3. Consider setting a date of September 14, 1999, to hold a public hearing and consider an ordinance closing the platted utility easements on Lots 19, 20 and 21, Block 4, Council Heights Addition located at approximately SE Interstate Drive and SE 7th Street. Exhibits: Application; Location Map; Sewer Atlas; Council Policy 5-1; Letter of

Request to Table Item.

4. Consider setting a date of September 14, 1999, to hold a public hearing and consider an ordinance closing the park and certain utility easements within the park located on Lot B, Block 4, Council Heights Addition at approximately SE Interstate Drive and SE 7th Street. Exhibits: Application; Location Map; Map including location of utilities within park boundary; Council Policy 5-1; Letter of Request to Table Item.

Bigham said the applicant requested that Items 3 and 4 be continued until the next Council meeting.

MOVED by Smith, SECOND by Shanklin, to table Items 3 and 4 to the August 10 Council meeting. AYE: Haywood, Warren, Smith, Williams, Devine, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

5. Consider opening Bark Avenue as a public street, securing necessary rights-of-way and determine a funding source to reconstruct to City standards. Exhibits: Location Map; Letter from adjacent property owners; Cost figures from Engineering Department.

Warren said staff provided estimates for doing the work in-house, and that it would be difficult for this work to be scheduled because of the current work load and staff recommendation remained to not accept dedication but that the property owners should bear the responsibility. He said he thought the City should do this and that it would benefit the citizens who use the road. Warren said there was some concern about whether there would be enough room to make the improvements to the roadway, and Mr. Hill had stated that all of the parties involved are willing to give up easements to get this done, so it is a matter of whether the Council is willing to spend the money.

Williams asked if any of the adjacent owners were willing to help defray some of the cost. Warren said that would be a possibility if there was no other way of getting it accomplished.

Devine said he asked the owners to get together to discuss it, and suggested that he and Warren then meet with them to negotiate some arrangement.

Purcell asked if the in-house cost for this is \$26,000 and Warren said yes.

MOVED by Warren, SECOND by Smith, to table until such time as this has been discussed between Devine, Warren and the property owners, and also include that there is a desire on the part of the Council to work with them in some manner to get this accomplished. AYE: Warren, Smith, Williams, Devine, Purcell, Shanklin, Beller, Haywood. NAY: None. MOTION CARRIED.

6. Discuss revocable permits as described in the City Attorney's memorandum and provide guidance to staff. Exhibits: City Attorney's Memorandum.

Shanklin said this was tabled previously because the City Attorney said there had been a court decision limiting the Council's authority and he asked for an explanation. Vincent said part of this will come up during discussions on Cablevision; there are limitations on what can be done in City easements and rights-of-way according to the Oklahoma Constitution. Cities can do limited revocable permits as it relates to easements, and rights-of-way around streets are another story. Vincent said cities have the ability to do revocable permits for portable storage buildings, as an example, to be placed in an easement as long as it can be moved, and there is no liability to the City for any damage that might occur; that type of thing can be permitted but Lawton does not have an ordinance to allow for that at this time.

Shanklin asked if Council could approve revocable permits in easements but not in rights-of-way. Vincent said that is correct; certain things, such as parking and maneuvering, can be done on rights-of-way for the public benefit, but we cannot permit someone to place a structure in a right-of-way.

Shanklin said a sign hung over into a right-of-way recently, and asked how that would be handled. Vincent said if it is a directional sign, a revocable permit can be granted, and it gets real complicated. Vincent said the sign on Interstate Drive could have a revocable permit to allow them to get electricity to the sign because the sign structure itself is not on the right-of-way, and there is an encroachment of about three feet in overhang only and it does not impact the street itself. Shanklin said Council discussed this seven months ago and it was his understanding the electricity had been connected to the sign. Shanklin asked if the owner had been contacted with regard to a revocable permit. Vincent said the owner is Southwest Advertising and the last action by Council was to direct that the sign be removed from the encroachment, and subsequent to that time, Council asked his office to review the issue and that no action had been taken to cause them to remove the sign. Vincent said he was waiting on Council direction to draft an ordinance that would permit some of the items being discussed. Shanklin said he wanted the City Attorney to tell Council what authority they had and how it was done in other towns. Vincent said two memorandums had been furnished in that regard and Shanklin said it needed to be written in layman's language.

MOVED by Shanklin, SECOND by Warren, to give direction to the City Attorney to write an ordinance. AYE: Smith,

Williams, Devine, Purcell, Shanklin, Beller, Haywood, Warren. NAY: None. MOTION CARRIED.

BUSINESS ITEMS:

7. Hold a public hearing and consider adopting an ordinance with an emergency clause closing a portion of the drainage easement in Lawton Technology Park located at SW 40th Street and Lee Boulevard. Exhibits: Location Map; Ordinance No. 99-28.

Purcell said he would announce that he had a conflict of interest and that he would not participate in the discussion or in the vote. Purcell left the room at this point.

Bigham said the easement being discussed runs through the approved construction plat area; the developer intends to have a private drainage system with a wet retention facility and this public easement would cause conflict with having a private facility. Staff initiated the item to close the easement, and if approved, staff would initiate action in District Court to vacate the easement.

PUBLIC HEARING OPENED.

Harold Robinson, Cameron University, said Cameron owns property adjacent to the tract and that he was not present to oppose or support this, but that they would like to know what the plans are for the drainage. He asked if it would be possible for them to see the plans.

Bigham said yes, the construction plat can be reviewed by Robinson at his convenience.

Robinson said that is sufficient and that President Davis was out of town and had asked him to appear. He said he would like to see the plans because the area is certainly famous for flooding. Robinson said they wanted to go on record as supporting the Technology Park. Mayor Powell encouraged Robinson to contact Bigham to review the plans.

Beller said the key issue is "should the City keep an unnecessary drainage easement?" and asked what effect this would have on adjacent property owners. Beller asked if the ordinance could be rescinded if it is found that Cameron has a legitimate concern. Bigham said the key issue may be misleading; without the approval of the construction plat for Lawton Technology Park, the City of Lawton does need the drainage easement, but with the construction of the Technology Park the owners plan to have a private drainage facility and it would be unnecessary for the City to have an easement for it.

PUBLIC HEARING CLOSED.

MOVED by Beller, SECOND by Haywood, to approve Ordinance No. 99-28, waive reading of the ordinance, reading the title only, and declaring an emergency.

(Title read by Clerk) Ordinance No. 99-28

An ordinance closing a portion of the drainage easement located on the North side of SW Lee Boulevard at approximately SW 40th Street and declaring an emergency.

VOTE ON MOTION: AYE: Williams, Devine, Shanklin, Beller, Haywood, Warren, Smith. NAY: None. OUT: Purcell. MOTION CARRIED.

8. Receive a briefing and preliminary report on the classification and pay plan from a representative of Commonwealth Personnel Management Services. Exhibits: None.

Chuck Bridwell, Human Resources Director, said last spring the Council authorized the engagement of a consulting firm to review the City's classification and pay plan. The President of the firm is here to present the results of that study. Bart Gethman, President of Commonwealth Personnel Management Services, provided a briefing.

Gethman said his firm had conducted the study and presented a number of slides showing the results. His briefing is summarized as follows: They were looking at two principle objectives; internal equity and external competitiveness. Internal equity deals with equal pay for equal work from the 1963 Equal Pay Act which provides that employers have a responsibility where two employees are engaged in the same occupation specialty whose jobs involve equal levels of skill, effort, responsibility and working conditions to be paid equally. The courts have said essentially to be paid equally means to be paid within the same pay range, minimum to maximum. You might have two equipment operators in the same classification, one may have started recently and another may have been here 20 years and there might be \$2,000 difference in what they are making, but as long as it is within the same pay range, it is considered to represent equal pay for equal work. Dealing with the flip side, unequal pay for unequal work is the difficult part of a salary administration process. We are trying to create a salary administration program in which the measured size of the job has a reasonable and consistent relationship with the pay range or

salary opportunity that is available to individual incumbents of those positions so that as the job size increases, there is a reasonable and consistent increase in pay range assignments. To do this, we measure the size of jobs, falling back on the four factors mentioned in the Equal Pay Act, skill, effort, responsibility and working conditions. Skill is thought of as both job knowledge and its application, and it is called elements of knowledge. The Act provides that in talking about effort, most of the section that deals with effort is talking about mental effort, therefore, we call it elements of problem resolution.

When the Act talks about responsibility, it is also referencing authority and accountability, as well as responsibility, so they call it elements of authority and responsibility. On working conditions, the Act references physical effort, the work environment, and job risk or hazard; so the working condition element references those factors as well.

These factors are used to measure job size for all of the positions in the study. The Human Resources staff was trained in the job evaluation methodology. He went through a process of training the department heads in that same methodology, and reviewed with them the relative ranking of positions that they came up with through the job content evaluation process. This gave a way of relating pay range differences to differences in job sizes.

The issue of external competitiveness was reviewed. It is important in doing an external market survey to understand that as a city government you are part of an industry type represented by other city governments, so they looked at other city governments of comparable size, services, numbers of employees, municipal population, and about 11 factors were used to define which communities should be included in the external market survey. Information was gathered from those cities not only about the pay ranges for their positions but they also got job descriptions from them so they were able to measure job size of their positions using the same job element method of position analysis, the same process for assigning point totals used internally, so it was an apples to apples type of comparison. We then went to a graphic presentation of the external markets, allowing visual comparison of current salary practices in relationship to the external market. This enables Council to set new salary policies using the market model comparison process.

We submitted copies of the most recent job descriptions that were written for each one of the classifications that were involved in the study to each department head and immediate supervisor on a job description review form, which was essentially a form that asked them to compare the existing job descriptions of the positions in their organizations and to tell us if there were any areas in which they felt the information was either out of date or that there had been changes in the nature of the work. We went through that information and conducted a select number of individual desk audits, approximately 80, or one audit per classification, with a representative sample of city employees. The audit information was to get a better, more detailed understanding of what is involved in the various positions, what kinds of educational and training requirements there were, what sort of problem resolution the employee had to deal with, what kinds of authorities and accountabilities were given different positions at different levels. Also we used that process to address various classification issues, including a focus on consolidating a number of classifications into a more manageable number.

We then moved from the audit process to conducting job content evaluations on each one of the classifications that were involved in the study. We proposed and worked with city management to agree on a series of proposed revisions to the current structure of classifications, and we slotted each participating employee into an appropriate classification based on the point total for the position and on the nature of the occupational specialty involved. We gathered and analyzed the external market data, converted that to tabular and graphic form and prepared a series of recommendations which will be presented tonight.

This chart is referred to as a scattergram; we make sure we have assigned job element point totals to all of the positions before actually looking at who is making how much money. Part of the reason for this is to keep the process objective so we do not fall into the trap of thinking that a person currently making more money must hold a bigger job. While that may be the case, we do not know that your internal equity is indeed appropriate so we made sure the point totals were settled first and then looked at the annualized salaries using a base 40 hour work week. Each employee was placed in salary practice groups, and the first chart shows executive and management employees. The horizontal axis refers to job element points measured in thousands and the vertical axis refers to annual salary dollars measured in thousands. When we input the information into the computer, we have at 7,000 points we have a position, the incumbent of whom is being paid \$40,000, and the computer places an asterisk at the intercept of 7,100 points and \$40,000; each of the asterisks are then positioned on the scattergram in that manner. We then do a statistical analysis that is referred to as linear regression analysis, it is a way of analyzing variants. Essentially it says that for every position that is this far above this current salary practice line, there is another position that is an equal distance below, and it gives a line of central tendency which is called the current salary practice line. You can say at any point total along this line, we should expect that the mid point of a pay range for positions, simply comparing how your people are paid compared to each other and not yet considering the external market data, this would be a normal range mid point or 100% of the range. It is then spread by a range maximum of 120% and a range minimum of 80%. All of the plot points that fall within the range you would normally expect to represent a combination of either merit or longevity or both in terms of where the positions have been ranged. Plot points that fall outside and below are typically thought of in terms of an individual who is undercompensated in relationship to the value the position is contributing to the organization; points that fall

above are thought to be overcompensated or it may represent some special pay consideration where the market is so much of a driving force that you have to pay more in order to attract someone to do that kind of work. A fairly good degree of internal equity was found within the professional and technical group but the slope of the line is flatter indicating that salary compression is a problem. Salary compression occurs when you hold the top level positions in a group relatively constant or move them at a slower rate than bottom level positions and over time, you compress the distance between the top and the bottom. The problem that salary compression generates is where some people look at accepting promotion to the next step in the career ladder and decline as it is such a small amount of money.

There was a high degree of internal equity in field operations but there also was a bend in the line meaning that positions above approximately 2,500 points, first level supervisors and superintendents were paid at one rate of pay and positions below 2,500 points were paid at another rate of pay. There are a lot of Public Works and Parks employees falling into the point total grouping of 1,200 to 2,000 points, and the internal equity is pretty good considering the length of time since the last formal study was done.

The internal equity for clerical and office positions was examined, and found the slope of the line is relatively flat so there is a degree of salary compression, as well as a fair degree of dispersion on the upper end. It is about 70% of the plot points falling within the cone so it is reasonably good.

Information from the external market was then layered into three sets of regression lines, and the point totals were assigned to external market employer's positions. Those points were used to generate a regression line to get the 10% line, 50% then 90%.

Purcell asked if an executive summary could be given and a recommendation. He said he understood regression analysis and we need to get down to the recommendation. Purcell said he did not mean to be impolite but felt it would be good to move to the executive summary. Mayor Powell asked if Council desired to move to the executive summary and Gethman stated he could conclude in about six minutes, which Council agreed to hear.

Gethman continued the presentation presenting overhead slides. He pointed out the salary practice line for professional and technical positions, stating it is low in relation to the market in the upper point total levels and also the salary compression. The field operations group was shown, noting it contained the same pattern. The largest degree of salary compression is shown with the clerical and office group.

Recommendations in terms of setting new salary policy lines, to be competitive you need to move to the 50% point in each market. He said the chart showed where each line would be, but there are some problems in the upper end of the clerical and office line in relation to its market is higher than the same point total level for field operations or professional and technical. The mid level to upper level of professional and technical in relationship to its market is higher than the line for executive and management so consequently to deal with any potential problems of having a supervisor over an employee with lower points but actually being at the same or higher range, we ended up with a merged line and that has three points at which point totals of about 1,000 to 2,600 are one salary practice line; from 2,600 points to 7,000 points are another that encompasses professional and supervisory field operations positions, and 7,000 points and above encompasses executive and management positions.

The salary schedule that was developed included general occupation, management, and if you look at the mid point, 100% of pay range G2, it is 7-1/2% higher than pay range G1; each succeeding range is a 7-1/2% increase. Minimum step A is 80% of the mid point; the maximum is 120%. Each step is 2-1/2% which allows the opportunity of increasing individuals based purely on longevity, moving a step a year, or tying into some kind of a merit system where they can be moved one, two or three steps depending on whether they are a competent, commendable or distinguished employee in terms of their performance evaluations.

Recommendations are to move to the market 50% on the merged line and to set the salaries that are recommended in the back section of the handout that is being distributed. Over some period of time for executive and management positions, recommendation is to move to a pay for performance merit system. Copies of the consultant's report were distributed to Council.

Purcell said the actual pay chart slide, for the general occupations group going from G1 to G9. He asked if those are the steps. Gethman said it goes up to 30 for the G series and he showed only one as an illustration; each position is based on the salary policy formula and the line that is appropriate to the points for that job and it comes up with a calculated mid-point which is then matched against the range mid-point for each of those pay ranges, G1, G2 and so on. The individual would then enter G1 at Step A, as an example, and would move to B after probation, then C after a year, and so on, or it could be tied to a merit increase system.

Purcell asked if a particular labor category would always be in G1, but could later be promoted to G2 or G5 at some later time. Gethman said job contents change and there is an evaluation process which could reflect changes that could cause it to go from G1 to G2. Purcell said he understood that, and asked if someone in trash collection, which has super employees, and some are happy to stay with that during their entire career. Purcell said if G1 is for trash

collection and someone entered that as an entry level person at A, would the steps going across to Q carry them through a 25 year career. Gethman said it would be 17-1/2, but to remain competitive you have to resurvey the market every other year and that \$17,000 should change to whatever the market rate would reflect.

Baker said the intent of having this on the agenda was to receive the briefing. He said the item would be on the next agenda and he would have a recommendation at the next meeting, as well as figures on the cost of implementation if the plan were adopted. Baker said there are different options in implementing the plan and he would be prepared to address them. He said he had not seen the final result until tonight and needed time to review it. Baker said department directors were intimately involved in this process and he asked them if they supported the plan, and a majority of the directors supported it but it was certainly not a mandate and it was not unanimous.

Baker said the Employee Advisory Committee had looked at the plan and officially voted not to support it, and a copy of their memorandum had been sent to Council. He said since the EAC action he received additional input from employees who were of the opinion that the EAC did not honestly represent their feelings in the matter. Baker said the item would be returned to the agenda for the first meeting in August with his recommendation.

Williams asked if the EAC gave a reason for recommending not to adopt the plan. Baker said he gathered from the memorandum that they thought the proposed pay plan benefited the higher level classifications more than the lower level classifications, therefore, they were not in support.

Shanklin asked if there was any idea as far as a cost factor on the plan if adopted as presented. Baker said he had an idea but it would depend on how it is implemented; if the plan were adopted, everyone could be put in the new classification retroactive to July 1, or we could implement it on the anniversary date of the employee so they would go to the new classification on the anniversary date. There are several options and Baker said he would hesitate to give a number tonight, but it has been calculated and there are funds in the budget to support this. Baker said the funds could be used for this or for other types of salary adjustments for general employees.

9. Receive an annual report to the Council on the current status and activities of the Lawton Housing Authority and allow the Housing Authority's Executive Director, Ms. Rita Love, to address the Council with respect to concerns she has regarding supported housing activities across the City of Lawton. Exhibits: None.

Rita Love, Executive Director of the Lawton Housing Authority, said a booklet was being distributed by the Authority Chairman, Alvis Kennedy, and that she would review the information inserted. The booklet and inserted information is on file in the City Clerk's office. There are 319 total public housing units. Operating subsidy is received from HUD and there is a great fluctuation; this fiscal year shows a 25% decrease in that regard. Total operating expenses remain fairly constant, \$683,000. Net income or loss is shown for the last several years, and 98-99 was \$58,000 which is a huge achievement; next year is projected for a loss due to the decrease in operating subsidy. There are 13 full time employees.

Comprehensive grant program includes funds from HUD based on the number of units; very seldom has it been funded at 100% eligibility. Smith asked the reason for that and Love said due to federal budget cuts. Public housing drug elimination grants have been received for seven of the last eight years. The grant was previously \$158,000 but has been lowered to \$70,000 this year, and if it goes to an allocation basis, it will be about \$60,000 to support the activities. HUD Housing Counseling Grant was received for \$6,500. The Authority was one of three in Oklahoma that received these grants, although it was not a large amount. CDBG funding has been received also. Total clients from the counseling for the last reporting period was 3,972. She reviewed utility costs. HUD has been asked to forgive the debt still owed on the 19 houses referred to as scattered sites. If that is received, a home ownership program will be started to make those homes available to low income individuals; the homes will be fixed up and a lender has been identified who is willing to work with those low income residents to get them to where they can qualify and become first time homeowners.

Love said they had been approved by HUD to be a housing counseling agency in February 1998, and the activities have consistently increased. The blue book, which Council received, is a resource directory for those low income individuals to be able to locate all of the resources that are available to them. HUD has approved the family self sufficiency program which takes the residents, step by step, toward self sufficiency to get them up and out of public housing. As residents become educated, learn a trade and go to work, their income increases. Normally, their rent would increase accordingly, but in lieu of taking that increase in rent, the Housing Authority has agreed to take that increase and place it in a self sufficiency savings account for those individuals so at some point in the future when they become self sufficient and move to better housing they will have a nice savings account they have built up that they can use as a down payment on a home or something of that nature. The Authority forfeited that increase in rent in hopes of assisting them to become more self sufficient.

Love said they contract private security services to supplement what is done in the Lawton View area. They cooperate with the School System for programs and have the Southside Police Substation. An office is provided for District 4 Probation and Parole, and at one point there were approximately 40 parolees living in the Lawton View

area that were not heavily monitored. Since the parole office has moved in, there are fewer parolees in the area, and the parole office helps monitor the general area. There are several youth clubs, a summer garden project, and activities for the children. They participate with the ZOE Need Program in Youth with a Purpose, which is a summer employment program that targets the Lawton View Youth and offers a couple of days of employment and a couple of days of contributing back to the community, as well as mentoring.

Love complimented the Police Department on the Community Policing Program. She said the four officers in the program had made an unbelievable difference in the community. Officer James Poindexter was nominated for an award with the Southwest Chapter of the National Association of Housing and Redevelopment Officials, and that award was presented to him out of a seven state area.

Love said they had done outreach programs to include media programs and delivery of packets through the school system. They have visited with the Command Advisors at Fort Sill and invited them for a tour. She said soldiers were previously told not to go to Lawton View and they are trying to do away with that perception of Lawton View because it is not like it used to be at all. Love said they had visited with the new Housing Director at Fort Sill and since there is a shortage of housing for the military, they hoped to be able to offer some assistance in that regard and that they could provide a preference to the military for the housing.

Love said a copy of the latest HUD newsletter was provided to show what they plan to be cutting, and the last page explains problems with increased physical problems with public housing. Love expressed concern due to funding constraints and said they had cut everywhere possible.

Love said her board of commissioners had asked that she make known some concerns about future low income housing. She said it appeared that any time low income housing is discussed, it is always to go into the Lawton View area. Love said they have a vacancy problem in Lawton View and there are between 50 and 60 vacancies in the family units in any given month. She said they did not feel it was fair to the low income residents to always put them in the same area of town; it is not fair to the homeowners to keep putting more low income in their area; it is not fair to the residents who do not have access to jobs and that there is no public transit system or adequate educational opportunities.

Love said when she came to work here, one of the first Council meetings she attended was about a low income housing tax credit project to come to Lawton. She said the room was full and the response was they did not want low income housing in their area; that particular project was not going to be in Lawton View so there was a room full of people in attendance. Love said when low income housing is discussed, the usual suggestion is to put it in Lawton View because they will not object. She said they do have a concern and certainly support any type of affordable housing project that is done, but felt there should be additional consideration to placing them in other areas of the community and not always into Lawton View.

Smith said he appreciated the presentation and that Ms. Love was doing a fantastic job.

10. Consider a proposal for development of a Low-Income Housing Tax Credit (LIHTC) project (Bishop Manor Apartments) in the Lawton View Addition and authorize the Mayor to make appropriate recommendations and comments to the Oklahoma Housing Finance Agency (OHFA). Exhibits: Location Map.

Jim Phillips, Housing and Community Development Department, said the application is from the Great Plains Improvement Foundation to develop low income housing at the corner of Bishop and Sheridan Road. Information on the application was forwarded by OHFA to the City of Lawton for review and comment. Staff has reviewed the application and it appears that GPIF has met the criteria in this application, and recommendation is that the City recommend that the tax credit application be approved.

MOVED by Haywood, SECOND by Shanklin, to authorize the Mayor to send a letter to OHFA recommending approval of the Bishop Manor Apartments by mailing no later than August 13, 1999. AYE: Devine, Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams. NAY: None. MOTION CARRIED.

11. Consider a request from Lawton Cablevision, Inc. to renew their annual revocable permit for the use of the City's right-of-way and easements and take appropriate action. Exhibits: Letter of request; Memorandum of July 15, 1999.

Vincent said on June 9 the City Manager received a request from Lawton Cablevision, Inc. to renew their annual permit which is to expire on September 24, 1999. On May 5, 1999, the Oklahoma Supreme Court handed down a case which was briefed in a memorandum to Council dated July 12, 1999, and a supplemental memorandum dated July 23, 1999. It is staff's belief, based on this case law and the accompanying discussions that took place during a portion of the case that it is not appropriate to renew the non-exclusive permit at this time for Lawton Cablevision.

Beller asked if this specifically alluded to cablevision franchises. Vincent said the case involved two electric companies in the City of Newcastle; one was operating under a permit and one was operating under a franchise,

and one electric company challenged the other. Vincent said the Oklahoma Supreme Court held, citing a case out of the State of Colorado and Colorado has a similar, if not identical, Constitutional provision regarding franchises and easements and rights-of-way as the State of Oklahoma, and the Colorado case was a cablevision case; the Supreme Court of the State of Oklahoma cited that as authority in determining that franchises were required for the use by public utilities of the rights-of-way and easements, and a franchise is a permit that is voted on by the people rather than merely granted by the City Council.

Beller said he saw one place where it alluded to telecommunications and it said that telecommunications were not covered by that particular determination. Vincent said that is correct, and telecommunications is defined as telephone and telegraph companies, and they are granted an automatic right to use the easements and rights-of-way for the purpose of providing telephone and telegraph service to a community. Vincent said cablevision is not considered a telecommunication company. Beller said he supposed it was semantics, but he had a handout from the Telecommunications Operators of Oklahoma. Vincent said that is the name of their organization but not what the case law states. Beller said he understood the City Attorney had researched this but that he would like to see something to tell him that he could not grant a permit for cablevision, and not just this cablevision but any one that might want to come to Lawton. Beller said his second concern is in the request for the extension by Mr. Drewry, it says "please be advised that the terms of our present operating permit adopted and approved 98 requires Lawton Cablevision to give a 90 day written notice of intent to request renewal of the permit", but the City Attorney is saying due to the law that was decreed on May 5 that it makes this null, void and obsolete.

Vincent said it was his recommendation in the memo of July 12, 1999, that we grant an interim permit until such time as Lawton Cablevision can apply and we can go to a vote of the people on a franchise. Beller asked if we could grant an interim permit but not a permit, and asked where the City is given the authority to grant an interim permit. Vincent said under other case law in the State of Oklahoma during franchise elections where franchise holders have lost the election the courts have held that the franchise holders have a reasonable time within which to cease doing business or to reapply and go out for another election; it is not just an automatic that you turn off the electricity or you shut off the gas on a certain date.

Beller said that would be his concern, if in fact September 24 is the date certain that we no longer permit this, then what happens to the thousands of subscribers. Vincent said we certainly need to make allowances to keep Cablevision of Lawton operating until we can get the election called if they chose to apply for one.

Beller asked if Council could grant a permit for any length of time it deemed to be appropriate. Vincent said the case law says reasonable and it is up to Council to determine that. Beller said on any issue as complicated as that he would think it would cover an extended period of time. Vincent said he thought it could be granted for another year as long as they got the election done within the year.

Purcell said he talked with Mr. Drewry today about the same two letters Mr. Beller had. Beller said he had provided copies of those letters to Mr. Vincent. Purcell said the City appeared to be caught in the middle between lawyers and the legal system, but that he understood what Mr. Drewry's lawyers were saying and also what Mr. Vincent is saying. Purcell said he felt some kind of permit should be granted for a year until this can be resolved, and hoped that if it is found that you must have a franchise election that maybe within a year there would be some kind of franchise election. Purcell asked if Mr. Drewry was agreeing that sometime within the next year there could be a franchise election, and that would seem to be a compromise solution where everyone would win.

Smith said State law 22-107.1 says a municipality may by ordinance or otherwise issue a certificate, license or permit for the operation of a cable television system. He asked for explanation. Vincent said he visited with Ms. Pedicord, general counsel for the Oklahoma Municipal League, and one of the drafters of that law; that law was drafted in 1985 with an amendment in 1988 and it was done for the purpose of regulating the operation of the cable company itself as to how many access channels they had to have, how many government channels they had to have, and if there was the right to regulate the fee structure, for example. Vincent said Ms. Pedicord advised that in 1996 the Cable Act of the United States Congress caused this law to become null and void and it is not in operation now in Oklahoma, and that the law had nothing to do with use of easements when it was passed.

Shanklin asked if this was staff's determination. Vincent said it was a recommendation. Shanklin said it is Vincent's determination in May and that Vincent could be wrong and that he was putting his job on the line that he was right. Vincent disagreed and said he was advising the Council as to what he thought the law is at this time and that the law can change tomorrow. Vincent said, as a hypothetical case, Mr. Drewry can go to the Comanche County Court tomorrow and ask a District Judge in a declaratory judgment to make a ruling on that particular statute that Smith just mentioned, and it could be 180 degrees opposite of any case law that has ever been determined. Shanklin said in the meantime there is a hassle and a cloud. Vincent said he did not think there was a hassle. Shanklin said he did not know where that was coming from because Vincent was saying we cannot do it but yet we can. Vincent said he was trying to state what they feel the status of the law is today and that was his job.

Smith asked if Council can approve it and if someone wants to dispute it in court, they can do so, and a court decision could be reached that would clearly define it.

MOVED by Devine, SECOND by Haywood, to give him a permit for the year to continue the business and bring all this out within the year to do whatever has to be done.

Purcell asked if that included that during that one year time there must be a franchise election because this will have to be done again next year if it is not taken care of. Devine said it would give a year and allow the company to decide what they want to do.

Vincent said he did not prepare a permit document and proposed that the same permit document be used, if Mr. Drewry would agree, that was used last year and change the dates. Devine said that is agreeable.

VOTE ON MOTION: AYE: Purcell, Shanklin, Beller, Haywood, Warren, Smith, Devine. NAY: None. ABSTAIN: Williams. MOTION CARRIED.

12. Consider an ordinance relating to fireworks, amending Chapter 7, Lawton City Code, 1995, repealing Article 11, amending Chapter 11, by adding thereto Article 5, Section 11-5-501 through 11-5-516, providing for severability and declaring an emergency. Exhibits: Ordinance 99-_____.

Purcell said he asked for the item and was not sure now that it was a good idea. He said it makes some kind of sense if people are not allowed to discharge fireworks in the City that they not be allowed to purchase fireworks in the City, but because of the unique situation where the person can buy it across the street and bring it into the City, there are questions. Purcell said controlling the possession of fireworks is another issue and the Police Department should have better things to do than watch for someone to enter the City limits with fireworks. He requested Council discussion, as well as comments from the Fire Chief and Police Chief.

Warren said he thought something needed to be done, although he did not know an answer. He said he found two pop bottle rockets in his hedge from this year's July 4th celebration; there was no damage but could have been. Warren said allowing the sale and possession of explosives, essentially, and something designed to cause a fire is questionable and that they are discharged within the City limits, and what we have done so far has not worked.

Shanklin said this has been the American way and you cannot legislate morality, safety or anything else, and they will be there regardless of the law, like drugs. He said the fireworks debris at the lakes was not as bad this year as it was a year ago in the day use area, but the City should charge more for July 4th in the day use area to take care of clean up costs.

Beller said fraternal organizations sell fireworks and make profits to support their projects. He said it was a problem that was not easy to control and that fireworks are discharged in residential neighborhoods. Beller said it is part of the American heritage and would like to have good controls in place.

Purcell said he had no problem allowing the designated areas at the lakes and that he was speaking about the areas inside the City limits. He said he watched an entire city block in New Orleans be consumed by fire as a result of fireworks being discharged. Mayor Powell said Lawton had a fireworks display last New Year's Eve. Purcell agreed and said one option may be to increase the fines and penalties for shooting fireworks in the City limits.

Don Barrington, Fire Chief, said he would agree that it is the unsupervised, indiscriminate shooting of fireworks that causes problems, and from a fire protection standpoint, he would like to see them banned from sale, discharge and possession within the City limits of Lawton. He said he understood the emotional concerns with the holiday celebrations, and that the New Year's Eve celebration was supervised with fire equipment in place ready to respond. Barrington said the lakes areas are supervised, and this year it was fortunate that there had been ample rain.

Bill Adamson, Police Chief, said safety is legislated daily in this country and raising the fine may not necessarily be an answer or deterrent. He said there is a safety issue to be addressed and making possession of fireworks illegal would need to be considered. Adamson said this is a misdemeanor offense, so before an officer can take action they must actually see the person firing the fireworks; seeing the violation is unusual although an officer may turn the corner and see fireworks going off in the middle of the street with 14 people standing there, and the question is who should the officer arrest, and in that case, it would likely be no one. He said if an ordinance provided it was illegal to possess fireworks an officer could at least confiscate the remaining fireworks which would at least reduce the firing of fireworks at that particular location. Adamson said he would like to see a modification of the ordinance to help improve the situation.

Warren said he had no problem with fireworks at the lakes or in controlled situations where fire protection is provided. He said the problem is in the neighborhoods and the suggestions of the Fire and Police Chiefs would likely help stop the illegal discharge of fireworks within the City limits.

Beller asked if fireworks can legally be discharged now within the City limits. Response was no. Beller said it is already the law that it cannot be done so how would changing the ordinance affect that. Shanklin said the

ordinance against speeding has not stopped that from happening. Vincent said it would be an enforcement problem in prohibiting possession of fireworks.

Mayor Powell said if you prohibit sale within the City limits, residents will go just across the line and make their purchases and likely bring them back into the City. The need for parental supervision was mentioned.

Discussion on this item was concluded with no action being taken.

13. Hold a hearing to consider an appeal concerning the Administrative Order on 1412 NW 24th Street and affirm, reverse or modify the Administrative Order. Exhibits: Administrative Order; Letter of Appeal; Memorandum from Code Administration.

Tucker said they had found this property to be in violation of the high grass and weeds provisions on May 27, 1999; on June 30 the inspector posted the property with the administrative order. On June 30 the property had been mowed but the property was posted at that time in accordance with procedures. On July 2, the new owner, who was not the owner when the complaint was received in May but was the owner when it was posted, submitted the letter of appeal on the administrative order.

Williams asked how long the administrative orders last and Tucker said six months.

Shanklin asked if matters such as this could be handled by staff. Tucker said on appeal of the administrative order, if Council revokes the order and the property becomes in violation again, we go back through the process of the letter and time. Tucker said the administrative order pertains to the property and not the owner. Vincent said Tucker had issued an order and the owner has appealed to Council for it to be reversed. Shanklin said Tucker should be able to do that since it is under new ownership. Vincent said it is a state statute.

Purcell said there had been a lot of high weeds and grass complaints this year, and owners cut the grass between the time of the first inspection and issuance of the administrative order, and then three weeks later, the property is overgrown again. He said if you keep the grass mowed after the administrative order is issued, it is no big deal.

Smith said as soon as this person got possession of the property, he mowed it and cleaned it up, then he received notice he was in violation because of the previous owner. He said the notice was left on the house and applied to a painted surface on the house with duct tape. Smith asked if that was a standard practice. Tucker said it is standard to use tape because the other ways would be nails or staples. Smith asked why it could not be taped to a glass surface and Tucker said he did not have an answer.

MOVED by Smith, SECOND by Shanklin, to remove this administrative order from 1412 NW 24th. AYE: Shanklin, Beller, Haywood, Smith, Williams, Devine, Purcell. NAY: Warren. MOTION CARRIED.

14. Hold a hearing to consider an appeal concerning the Administrative Order on 1810 SW 18th Street and affirm, reverse or modify the Administrative Order. Exhibits: Administrative Order; Letter of Appeal; Memorandum from Code Administration.

Tucker said this property was inspected on May 28, 1999, and found to be in violation; the property was posted on July 7, 1999, advising that it needed to be mowed. A letter was received from the owner last week saying they had been unable to mow it because of the vast amount of rain.

MOVED by Haywood, SECOND by Williams, to uphold the administrative order. AYE: Beller, Haywood, Warren, Smith, Williams, Devine, Purcell, Shanklin. NAY: None. MOTION CARRIED.

15. Consider approving the trade of weapons in the Lawton Police Department's inventory for new shotguns. Exhibits: Addendum "A".

Chief Adamson explained the need to have upgraded weapons. He said they would like to add these weapons to those already approved by the Council at auction, those being the ones the court has already granted control over that were confiscated.

Shanklin asked if the ones being purchased would be from grant funding or the City budget. Adamson said they were hoping to add these weapons with the weapons that were already approved and get enough of the new weapons in return. Shanklin asked how many times a shotgun had been fired in anger or protection on duty since Adamson had been Police Chief. Adamson said he did not recall, not often and that he could not recall any off hand.

Devine asked if these weapons were in such poor shape that they could not be used. Adamson said the weapons are in relatively good shape but some are as old as 25 years and there is an issue of metal fatigue. Adamson said the weapons are exposed to extreme heat and cold over a long period of time. Devine asked if they planned to trade all of these weapons in for a lesser amount and try to come out even. Adamson said yes, they would add these to the

ones in inventory that have been confiscated and put out a bid to see what they could get in return as far as new weapons.

MOVED by Smith, SECOND by Shanklin, to approve the trade of weapons in the Police Department's inventory for new shotguns. AYE: Haywood, Warren, Smith, Williams, Devine, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

16. Consider approving the use of a CMI Waste Recycling Grinder at the Landfill to chip the May 31, 1999 storm damage wood material and any other similar material separated from the waste stream and authorize the Mayor and City Clerk to sign the agreement. Exhibits: CMI letter of 7/12/99.

MOVED by Shanklin, SECOND by Smith, to authorize staff to complete an agreement with CMI as proposed and authorize the Mayor and City Clerk to sign the agreement. AYE: Warren, Smith, Williams, Devine, Purcell, Shanklin, Beller, Haywood. NAY: None. MOTION CARRIED.

17. Consider accepting a Permanent Utility Easement from the Fort Sill Apache Tribe to the City of Lawton for access to a tract of land for fire protection and water and sewer services. Exhibits: Draft Permanent Utility Easement.

Vincent said this is the tract of land just east of I-44 where the bingo parlor is, on the other side of the creek. The City has a 24" sewer line on the east side of this tract of land that is not currently in a City easement. The Fort Sill Apache Tribe has offered to grant the City a 50' utility easement from Gore Boulevard to the south boundary of their property that encompasses this land. Staff recommendation is to accept the easement.

MOVED by Shanklin, SECOND by Haywood, for approval of the easement. AYE: Smith, Williams, Devine, Purcell, Shanklin, Beller, Haywood, Warren. NAY: None. MOTION CARRIED.

18. Consider approving a Cooperative Agreement for water and sewer services between the Fort Sill Apache Tribe and the City of Lawton. Exhibits: Draft Cooperative Agreement.

Vincent said this is the same tract of land and the Tribe is in the process of remodeling the bingo facility. At one time in 1993 there was a cooperative agreement but because the Fort Sill Apache Tribe was unable to give us the easement, the cooperative agreement was canceled in 1994. The Tribe is now requesting the cooperative agreement for water and sewer service to this tract, now that the easement has been accepted. He said Robert Prince is present representing the Tribe and a draft agreement is included in the agenda folder. Vincent said it is recommended that the draft agreement be amended to require a substantial deposit and a waiver of sovereign immunity from federal court action if we have a legal issue.

Robert Prince, attorney, said they had no objection to federal court jurisdiction and no objection to requirement for a reasonable performance bond for payment of the water and sewer costs. He said these issues were approved by the Tribe last night.

MOVED by Purcell, SECOND by Williams, to approve the cooperative agreement with the Fort Sill Apache Tribe for water and sewer services with the amendments stated by the attorneys. AYE: Williams, Devine, Purcell, Shanklin, Beller, Haywood, Warren, Smith. NAY: None. MOTION CARRIED.

19. Consider approving a Contract for fire protection services for the Fort Sill Apache Tribe at 2325 East Gore Boulevard. Exhibits: Draft Contract for Fire Protection Services.

Vincent said this involves the same tract of land and a draft agreement is included. This will encompass emergency medical services also, such as when the Fire Department may respond, and they will be paying the rate already established in the fee schedule for outside the City limits. This will need a deposit and waiver of sovereign immunity also, and staff recommends approval with those changes. Prince indicated agreement of the Tribe in this contract.

MOVED by Devine, SECOND by Haywood, to approve the contract with the amendments stated by the attorneys. AYE: Devine, Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams. NAY: None. MOTION CARRIED.

ADDENDUM:

1. Consider adopting a resolution for removing the structures at 806 and 806-1/2 SW 15th Street from the condemnation list. Exhibits: Resolution No. 99- ____.

Tucker said this property was brought to the City's attention in August 1997; inspection was conducted and a letter was sent to the owner outlining the required repairs. A public hearing was scheduled for October 16, 1997, but on

October 10 the property owner came in and requested a building permit; the structure was removed from the agenda because the owner had obtained a permit. No action was ever taken to repair the property and the permit simply expired. On June 17, 1999, another public hearing was scheduled for condemnation; the property was posted and notices were sent. Council held a hearing on June 29 and no one appeared; the property was condemned at that time. On July 22, the owner spoke with Tucker and the City Manager requesting this property be considered for removal from the condemnation list.

Haywood asked if the owner indicated he had been ill and had not received the certified letter. Tucker said he indicated he had not received the notice, but the property had been posted and the notice was sent to the same address that he responded to before. Haywood asked if the owner told Tucker he planned to move back into the house. Tucker said they did not discuss that.

Mayor Powell asked Tucker's recommendation. Tucker recommended the property remain on the condemnation list, because we went through obtaining the permit in October 1997, almost two years ago, for action to be taken to fix it up and there was a period of six months under that permit where work could have been done. Tucker said there has been another 14 months where the work has been done and it was not and it did not become important until it came back to this Council for condemnation.

Vincent said the owner was not given the option to remodel once the Council had made the determination that the property was in need of condemnation and detrimental to the community, and the City has 90 days to demolish if the owner does not obtain a demolition permit, and that is the point we are at now.

Baker said he agreed with Tucker that this should remain on the demolition list. He said he agreed, at the request of the property owner, to bring this back to Council for consideration because that same opportunity had been afforded to other citizens.

MOVED by Warren, SECOND by Smith, to allow this property to remain on the condemnation list.

Haywood said the owner is present and would like to speak. Council agreed to receive comment.

Charles Sartain presented pictures of the interior of this property. He said he had the materials to start working on this and had started on it last year but had suffered a heart attack. Sartain asked that Council reconsider this and stated he would get the job done.

Purcell asked if Mr. Sartain owned this house in 1997. Sartain said yes. Haywood asked if Sartain would do the work. Sartain said he had someone to do the electrical work and someone to help him with the roof. Haywood asked Sartain when he had a heart attack and Sartain said in July last year when he was working on this property, and that he was planning to move into the house.

Devine asked Tucker if he had looked at the house lately and Tucker said yes. Devine said this house is not in that bad of shape compared to some others they had seen. It was pointed out that the pictures Sartain had distributed were of both the house in question, as well as another structure that was not involved in the agenda item being considered at this time.

Shanklin asked if a permit was in place right now. Sartain said no, he did not get one because he was working on a carport. Tucker said no permit had been issued for the structure on 15th Street.

Haywood said he would like to make a substitute motion due to Sartain's illness that the City give him a little more time, such as two weeks. Williams said Sartain had received two years.

Vincent said it is on the demolition list now and we will have to hold the demolition in abeyance. Tucker said the contract had not yet been awarded. Vincent suggested it be held in abeyance for two weeks for him to get a permit.

SUBSTITUTE MOTION by Haywood, SECOND by Shanklin, to hold it in abeyance for two weeks.

Tucker asked what happens at the end of the two weeks. Shanklin said he has to come in and get a building permit. Tucker asked if Sartain gets the building permit, is it removed from the demolition list and Shanklin said yes. Vincent said his understanding of the motion is that we are holding this in abeyance and will not go out for a contract to demolish for two weeks and allow him to get a building permit; if he does get a building permit then it is removed from the demolition list. Haywood agreed. Williams asked if it had even been bid out yet. Tucker said bids are being advertised but it has not been awarded.

Baker said he thought when Council passed a resolution placing this on the condemnation list that there was no option of getting a building permit. Vincent said the resolution removed the 15 day option for a building permit and they could either demolish it or the City would; the Council can take another action, as it is considering now, but it is not a part of the consideration at the earlier time because state law says once the City has placarded the

property, the Council's choices are to demolish it or to leave it alone. Baker asked if Council had to repeal the resolution that was previously adopted. Vincent said that is basically what they are doing if this man gets a building permit.

VOTE ON SUBSTITUTE MOTION: AYE: Shanklin, Beller, Haywood, Smith, Devine. NAY: Purcell, Warren, Williams. SUBSTITUTE MOTION CARRIED.

2. Consider establishing meeting dates as each available Tuesday and Thursday at 5:30 p.m. for consideration of the proposed Capital Improvements Program. Exhibits: None.

Purcell said two weeks ago Thursday the Council had a meeting to talk about the CIP and there are a lot of things to still talk about such as priorities and projects. Several members asked for a meeting at that time and the Mayor said he would come back with a meeting date, and we still have not had a meeting date to discuss it. He said five Council members asked that a meeting be held last Thursday to talk about CIP and that died for lack of a quorum.

Purcell read Section 2-4 from the City Charter, Council Powers, as follows: "Except as otherwise provided in this Charter, all powers of the City, including the determination of all matters of policy, are vested in the Council as indicated herein." Section 2-7 of the City Charter was read as follows: "The Mayor or any five council members may call a special meeting." He said during the first meeting, there was a suggestion that we really wanted to have the election, if there is to be one, in November; there are two other election dates possible, either October or December. Purcell said since a meeting was not held, the decision has in effect been made that the election will not be held in October. He said he did not necessarily disagree with that, and perhaps November would be a better time, but it seemed to him that the Council could have discussed that and made that determination as opposed to it happening by default because we could not meet on a certain date. Purcell said it is now two weeks later and Council still has not discussed the issues having to do with priorities or if they needed to add projects.

Purcell said since he asked for this item, a couple of members had indicated that they wished a meeting had been set up two weeks ago Thursday. He said now is the opportunity with everyone present with their schedules to set up a meeting, and as many as are needed, to discuss CIP and that is the purpose of the agenda item.

Shanklin said two weeks ago they were going to get with the school board, which he and Purcell were to do tomorrow, to try to determine what needs to be done and get it to the taxpayers from both entities. He said the City has to get with the school board and that they would do so tomorrow, and that it would not take long to prioritize the CIP because there are only so many dollars to go around. Shanklin said the program needs to provide something for everyone so more people would turn out to vote for it. He said it is not that hard to do and they should determine how much money they should ask for and whether or not the City desired to ask for ad valorem, and that it would take a sales job by all nine of them to get ad valorem. Shanklin said a vote was held before and it failed, and citizens were threatened with a \$16 increase in the utility bill and that he did not plan to threaten anyone. He said he planned to tell the taxpayers the problems and ask them how they want to help solve it, and get the news media involved and have a random sampling. Shanklin said he wanted to find out what the school needs are.

Purcell agreed they need to meet with the schools and that is not the issue. He said the Council must decide, regardless of the school board, the Council must decide what items should be requested for funding.

Mayor Powell said he was asked to set a meeting that night but could not do so because Shanklin asked that representatives of the Council meet with the public school personnel so it was impossible to set that meeting at that time. He said it is impossible for him to meet every Tuesday and Thursday according to his schedule, and suggested meetings be held August 4th and August 9th at 5 p.m. Mayor Powell said there is a meeting in the morning at 10:30 as Shanklin alluded to, and explained his efforts in coordinating dates with the school personnel to get that meeting set. He said he had asked Baker if Council could start holding meetings the last of June on CIP but it was not possible due to the water study, and that he had wanted to be further ahead than they are right now.

Warren said the City meeting with the school system has no bearing whatsoever on this Council deciding what the City's needs and priorities are. He said efforts should be coordinated but that does not bear on what this City needs, and the discussion between the City of Lawton and the school system has no bearing on what the City of Lawton needs.

Shanklin said you have only so many dollars and there is a landfill and water treatment plant, and that is all of the money, so you are finished. He said if you want more than that, you have to go to another funding source, and if that is ad valorem, the whole idea was to try to get the schools an increase in ad valorem and the City share in it every third year or something. Warren said the City cannot share in a school bond election. Shanklin said we do not know that.

Mayor Powell said he would like to see from that meeting how much the schools need and how much the City needs and the total that could be expected.

Purcell said the issue is not how much ad valorem we are going to share with the school district versus the city; the issue is what projects will the City of Lawton try to fund, whether by sales tax or ad valorem. He said that Shanklin had just decided which two would be funded. Shanklin said they are mandates. Purcell said the point is Shanklin decided which two would be funded in the CIP, and that the entire Council needed to discuss it. Purcell said he was satisfied that the dates would now be set, but what has been done now, by virtue of the late dates, we have basically said the election will not be held in October, and that is probably right, but it was decided because we did not have the meetings in time since we cannot meet the deadline for an October election. Purcell said that is the kind of thing that should have been discussed and his whole point about trying to get on with the meetings and making decisions. He said he agreed they should meet with the school board and decide on the ad valorem issue, but there are other issues that do not involve the school board that the Council needs to discuss. Mayor Powell said they are all attached to a dollar amount and there is only so much money for the school district and for the City of Lawton. Mayor Powell said he wanted to have the meetings starting in late June and was not pointing fingers because staff did all they could.

Purcell said he would like to offer a motion that Council hold meetings on August 4 and 9 at 5 p.m. Warren seconded. The Clerk was asked to call the roll. Shanklin's name was called and he said he would not vote as it was not warranted, and that the meetings would be held because the Mayor set them up. Shanklin asked Vincent if it was that important that the Council vote on it. Vincent said if the Mayor declares those as the special meeting dates and times, that is sufficient. Haywood said he would still be in Houston, Texas, on August 4th, and asked that it be moved to August 5th.

Mayor Powell said the dates would be Thursday, August 5th at 5 p.m., and on Monday, August 9th at 5:00 p.m. Purcell said he would withdraw his motion.

3. Consider the following damage claim recommended for approval and consider passage of the resolution authorizing the City Attorney to file a friendly suit for claim which is over \$400.00: David L. and Sun H. James. Exhibits: Legal Opinion/Recommendation. (Resolution on file in City Clerk's Office)

Vincent said information was not received in time for this to be on the consent agenda but the claim involves the transportation for the claimants so he asked that it be considered in the addendum in the full amount regarding the car wreck.

MOVED by Purcell, SECOND by Smith, to approve Resolution No. 99-96. AYE: Beller, Haywood, Warren, Smith, Williams, Devine, Purcell. NAY: None. OUT: Shanklin. MOTION CARRIED.

(Title only) Resolution No. 99-96

A resolution authorizing and directing the City Attorney to assist David L. and Sun H. James in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the amount of Two Thousand Eight Hundred Five Dollars and 95/100 cents (\$2,805.95)

4. Consider establishing a committee regarding Tax Increment Financing and take appropriate action. Exhibits: None.

Williams said Council heard a presentation two weeks ago on a different way of financing a project, and information was contained in a newspaper article about an exhibit facility in Altus being built with this financing option. He said he had spoken with Baker and found he had received no feedback, so he would like to see if Council would like to receive more information in this regard to see if we should advance on some kind of tax increment financing project or just drop it.

Warren said he felt the vehicle of tax increment financing was a good thing and should be discussed by a committee. He said he was not in favor of this particular project but felt we should put a group together to start looking at what we can do with a program like this. Smith said he was in favor of forming the committee but was not in favor and would not support the issue that was brought up.

Mayor Powell asked if appropriate composition of the committee would be council members, a Chamber representative, a business person, and staff members. Warren said depending on what revenue is to be used, whether it be sales tax or ad valorem, we would need county and school representation, so those groups may need to be included in a big group to cover all possibilities.

Vincent said a formal committee under the tax increment financing would require legislation by the City to go into that mode. He said a fact finding or concept committee could be established prior to that type of committee. Mayor Powell suggested calling it an education committee. Shanklin said we are trying to educate the taxpayers that we need an increase in ad valorem and this would be a committee to tear something down and use some of that tax money so he would not vote for it. Shanklin said if someone wants to come in here and do something, they either

have the money to do it or not, and suggested the downtown area be considered.

Williams said he was not pitching a project or location at this point, and the TIF vehicle afford a community the opportunity to look at ways and projects we have not been able to look at before. He said he had received several calls regarding the concept and most were positive. Williams said he would need a lot more information before going into a TIF project in any area, and the Mayor's idea of the committee membership and the fact finding/education to allow Council to make a logical decision made sense.

Beller said we are clouding the issue when we go to the citizens to ask them to support the infrastructure costs, and the funding for it. He said he received many calls today and a couple were very supportive of TIF but they wanted the big stores to come in. Beller said if we put this on the table today it will cloud the issue of supporting the City for what we need to go to the voters for in the next couple of months, and we will be shooting ourselves in the foot. Williams said it would take a little bit of time before all of these people could get together and meet, and this is not a fast track project.

Shanklin said a sales and marketing magazine, in comparison with Wichita Falls, Waco, Abilene, San Angelo, and Tyler, we've got the same number of expendable dollars that we had ten years ago, and the water taps show the same thing; we know we are poor and our per capita income puts us there. Shanklin said he could not see something of this magnitude getting off of the ground, and if it did, it would take sales from some of the present vendors, and to give someone some of the sales tax dollars would never fly.

Beller said Mr. Warmack and Sam Ard had a similar program a few years ago for an area north of Second and Gore to the northeast. He said he was sure they had a lengthy study to see if it was feasible and it appeared to have dropped by the way side. Beller said he was concerned that this would cloud the issue. Shanklin said we have already clouded it now.

Mayor Powell asked that Mr. Wade be allowed to speak and Council agreed to receive comment.

Chuck Wade, attorney for Warmack & Company and the Central Mall, said the way this proposed tax increment financing plan had been presented had been in light of financing a retail project on Cache Road, and that is the vein in which it had been presented through the media to this point. Wade said looking at it conceptually is an entirely different story, but establishing this committee would give an indication to the public and the retailers in this community that serious consideration was being given to using this kind of vehicle to finance a retail project. He said he had not talked to any retailers who favored this kind of a project, and they all feel it will have a significant negative impact on the downtown area, especially the mall. Wade said the newspaper stated this would include 165 parcels that would be acquired and using the power of eminent domain to acquire that many parcels would be a legal and administrative nightmare. He said the properties would be off the tax rolls causing a loss of revenue to the school district, the county and the city.

Wade said if the City wanted to look at a tax increment financing project, someone should come forward with an idea that is realistically attainable, and then evaluate it and consider it, because anything being done to move forward at this point with this retail project cloud hanging over its head, would be a problem. He said he got figures from the Planning Department showing 14.34% of the real property in the City, excluding agricultural land, is zoned commercial; 2,712 acres, hundreds of which are undeveloped. Wade said this kind of project financed in this manner would create a competitive advantage for the developer and tenants in the project; it is not fair and it is not a level playing field. He urged Council to not appoint a committee but defer action until some other meaningful project that would have an advantageous impact, such as the one in Altus, is brought forward. Wade said this kind of vehicle to acquire residential property from those who do not want to sell their homes and have lived there for a long time is not realistic or in the public interest.

Craig Paine said this is a "doable" project; it is complicated and complex and significant. He said this would create a nice retail shopping center for Lawton, as well as some urban renewal, and to him that would be as important as the retail part and he hoped everyone had driven through the neighborhood. Paine said the project would make a significant difference in and around that area, and would be a catalyst to improve the City of Lawton as a whole.

Paine said comments were made about the competitive advantage and that he believed the Central Mall was an urban renewal project where properties were condemned and a site was created for the mall to be built. He said this is similar but funded without federal funds and done outside the core city area. Paine said he believed it was a positive impact for the City and saw a division forming. He said if this project is not done, the TIF is still a great way to fund things and make things happen in a community. Paine said we are plowing new ground with this project, and that a project of this magnitude had never been done in the State of Oklahoma and it would be fun to see Lawton be an innovative force in making something happen, and you do not need the federal government to do this, but this is an opportunity for something good to happen.

Purcell asked if this were done, when it was finished and funded under a TIF program, does the City just then give the developer the 43 acres, or does the developer buy the 43 acres from the City after the properties have been

condemned and the City has ownership. Paine said the City would be paid above what a fair ground price would be and they are not sure of that amount but have an educated idea. Paine said he thought the price they would be able to pay would be less than the total cost of putting the site together and doing the environmental remediation that may be needed, as well as clearing the properties and making the site ready for development; there will be a gap. Purcell said the City would not get back what it would cost and Paine agreed.

Purcell said Paine indicated that one of the possible tenants was a building supply company but he also indicated there would be no competition with those who are already here but that could not be the case. Paine said there would be competition and there is no place in Lawton today that would be of the magnitude of the project they were talking about.

Ralph Massen said he lives in the affected area and is a homeowner. He said he did not see a problem with the idea of looking at the TIF but was somewhat opposed to the City using eminent domain to acquire his property and then turning around and giving it to someone after having used that power. Massen said if someone wanted to do this, they should have the ability to fund it and work it out with the people rather than just using the City as a vehicle to displace someone.

Williams said he got a call this morning from a man who said it did not cost anything to look, and whether we look within the next few weeks or months, it is a vehicle whereby this community can take another step up. He said Shanklin was correct that this was somewhat of a poor community, but it is between our ears that we believe we are a poor community in many ways because in many ways we are a very rich community, and it takes development and opportunities for bodies such as this to take that challenge and step up and make the City a better place. Shanklin said there is a need for high tech jobs.

MOVED by Beller, SECOND by Shanklin, that we do not consider establishing a committee for tax increment financing at this time. AYE: Beller, Haywood, Smith, Purcell, Shanklin. NAY: Warren, Williams, Devine. MOTION CARRIED.

CONSENT AGENDA:

20. Consider the following damage claims recommended for denial: Terrance L. and Chae Sun Ross; Donna Shannon; and Southwestern Bell Telephone Company. Exhibits: Legal Opinions/Recommendations. Action: Denial of claims as recommended.

21. Consider the following damage claims recommended for approval and consider passage of any resolutions authorizing the City Attorney to file a friendly suit for claims which are over \$400.00: Karen J. Gardner; Roger Klein; Walter and Vernell Nettles; Southwestern Bell Telephone Company; Russell Wallace; and Sylvester J. and Lucinda S. Wielgus. Exhibits: Legal Opinions/Recommendations. (Three resolutions on file in Clerk's Office) Action: Approval of claims as recommended. Gardner - \$350.50; Klein - \$194.89; Nettles - \$363.84

(Title only) Resolution No. 99-97

A resolution authorizing and directing the City Attorney to assist Southwestern Bell Telephone Company in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the amount of Four Hundred Ninety-Nine and 60/100 Dollars (\$499.60).

(Title only) Resolution No. 99-98

A resolution authorizing and directing the City Attorney to assist Russell Wallace in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the amount of One Thousand Eight Hundred Eighty-Eight and 80/100 Dollars (\$1,888.80).

(Title only) Resolution No. 99-99

A resolution authorizing and directing the City Attorney to assist Sylvester J. and Lucinda S. Wielgus in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the amount of Two Thousand Twenty-Seven and 93/100 Dollars (\$2,027.93).

22. Consider a resolution authorizing the installation of traffic control devices at specified locations. Exhibits: Resolution No. 99-100; Excerpt 7/15/99 draft Traffic Commission minutes.

(Title only) Resolution No. 99-100

A resolution authorizing the installation and/or removal of traffic control devices at certain designated locations within the City of Lawton, Oklahoma. Locations: 1) Install "No Trucks" signage at SW 17th and Douglas (westbound), SW 21st and Douglas (eastbound), and Jesse L. Davenport and SW Douglas (westbound); 2) Install "Yield" signs at intersection of NW 62nd and Cherry Avenue (yielding east/west NW Cherry); 3) Install "Stop" signs

at intersection of NW 62nd and Birch Avenue (stopping east/west Birch Avenue).

ITEM 23 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

24. Consider entering into an agreement for the sale of treated water outside the City limits with the CKT Water Association. Exhibits: Letter of request; Excerpt of Committee minutes; Proposed Agreement. Action: Approval of agreement.

25. Consider approving a four month contract renewal/modification with the State of Oklahoma Office of Juvenile Affairs and Marie Detty Youth and Family Service Center, Inc. for the development, operation and management of a Community Intervention Center in Lawton and authorize execution of the agreements. Exhibits: Contract Renewal/Modification Form with OJA. Action: Approval of contract.

26. Consider approving the annual extension of the sales and use tax agreements with the Oklahoma Tax Commission. Exhibits: Letter with changes - OML. Action: Approval of agreements.

27. Consider accepting a Permanent Drainage Easement donated by Roger and Debra Marburger for the Flower Mound Road Project. Exhibits: None. Action: Acceptance of easement donation.

28. Consider accepting the FY 98/99 CDBG Sewerline Rehabilitation Project 98-1 SSES as constructed by Krapff/Reynolds Construction Company and placing the maintenance bond into effect. Exhibits: None; Location Map. Action: Approval of item.

29. Consider acknowledging receipt of permits for the construction of sewerlines from the Oklahoma State Department of Environmental Quality (ODEQ) in Phase I of the City of Lawton Sewer Renovation Project. Exhibits: None. Action: Acknowledge receipt of permits.

"Background: On July 5, 1999, the City of Lawton was granted Permit #SL000016990527 from ODEQ for construction of 2,558 lf of 15" plus 362 lf of 12" PVC sanitary sewer line with appurtenances to serve the Phase I, City of Lawton Sewer Renovation Project (Project 99-6 SSES) - NW 43rd Street Upgrade, Comanche County, Oklahoma.

The City of Lawton was also granted Permit #SL000016990528 from ODEQ for construction of a wet weather flow facility (approximately 430 ft. by 440 ft., 15 million gallon capacity) plus all appurtenances to serve the Phase I, City of Lawton Sewer Renovation Project (Project 99-5 SSES) - Wet Weather Facility WWTP, Comanche County, Oklahoma.

Also, on July 5, 1999, the City of Lawton was granted Permit #SL000016990529 from ODEQ for construction of 7,428 lf of 27", plus 295 lf of 8" and 10" PVC sanitary sewer line plus 1,950 lf of 30" IPS PE plus 73 lf of 20" IPS PE sanitary sewer line plus all appurtenances to serve the Park Avenue Upgrade Sewer Line Project (Project 99-3 SSES), Comanche County, Oklahoma.

A condition of the permits is that they must be noted in the minutes of the next regular meeting of the Lawton City Council."

30. Consider accepting Landfill Scale Project 98-7 as constructed by Sooner Scales, Inc. with a five year escrow agreement for the concrete deck and placing the maintenance bond into effect. Exhibits: Location Map; Proposed Escrow Agreement. Action: Approval of item.

31. Consider authorizing the renewal of City property insurance and Boiler and Machinery insurance policies for policy year September 23, 1999 to September 22, 2000. Exhibits: Premium. Action: Approval of item.

32. Consider approving the following contract extensions:

A) Pebble Quicklime with Global Stone St. Clair, Inc.

B) Traffic Signal Parts & Equipment with Traffic Parts, Inc. and Pelco Products, Inc.

C) Bakery Products with The Earthgrains Company.

Exhibits: Fact Sheet. Action: Approval of item.

33. Consider awarding contract for Rental Equipment II. Exhibits: Recommendation; Abstract. Action: Award contract to Hertz Equipment Rental (Items 1, 2 and 4) of Oklahoma City, OK; ICM of Oklahoma City (Item 3); Construction Ag Supply Co. (Item 5) of Lawton, OK, and authorize execution of contracts.

34. Consider approval of payroll for the period of July 12 through 25, 1999. Exhibits: None.

Williams asked for separate consideration of Item 23.

MOVED by Shanklin, SECOND by Smith, for approval of the Consent Agenda items as recommended with the exception of Item 23. AYE: Haywood, Warren, Smith, Williams, Devine, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

23. Consider approving a resolution modifying positions allocated in the FY 99-2000 budget for the Water Distribution Division and declaring an effective date. Exhibits: Resolution No. 99-101; Memorandum from Water Distribution Superintendent dated May 24, 1999.

Williams said background indicates that during fiscal year 1997-98 the Water Distribution Division responded to 2,994 calls; repaired 635 water mains and expended \$31,532 in overtime. In fiscal year 1998-99 they responded to 4,728 calls, an increase of 1,734 calls, and repaired 1,543 water mains, an increase of 908, and expended \$61,780 in overtime, or an increase of \$30,248. He said the division wants to drop a supervisory position and fill in with a couple of workers and that he had no problem with that. Williams said he read the information to drive home the fact that when Council is talking about CIP that there are two or three things that must be done, but something must be done with the water lines. Mayor Powell said they may be worse than the sewer lines and Williams agreed.

MOVED by Williams, SECOND by Devine, to approve the resolution modifying positions allocated in the FY 99-2000 budget for the Water Distribution Division and declare an effective date. AYE: Warren, Smith, Williams, Devine, Purcell, Shanklin, Beller, Haywood. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 99-101

A resolution modifying positions allocated in the FY 1999-2000 Fiscal Year Water Distribution budget, and declaring an effective date. Resolution adds two full-time Laborer positions to budget and deletes one senior equipment operator effective July 27, 1999.

REPORTS: MAYOR/COUNCIL/CITY MANAGER.

Beller said the newspaper indicated there may be a moratorium on additional structures in Elmer Thomas Park and asked if there was any other information since he thought the Museum was looking to acquire a school house to locate in the park. Gary Salva, Parks & Recreation Director, said he was misquoted and that he was planning to present something to Council at a future date.

BUSINESS ITEM:

35. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending damage claim of Donnette Gordon against the City of Lawton and take appropriate action in open session. Exhibits: None.

36. Pursuant to Section 307B2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the negotiations for an Employment Agreement for FY 1999-2000 between the Fire Union, IAFF, Local 1882, and the City of Lawton, and take appropriate action in open session. Exhibits: None.

37. Pursuant to Section 307B2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the negotiations for a Collective Bargaining Agreement for FY 1999-2000 between the Police Union, IUPA, Local 24, and the City of Lawton, and take appropriate action in open session. Exhibits: None.

MOVED by Shanklin, SECOND by Warren, to convene in executive session as shown on the agenda and recommended by the legal staff. AYE: Smith, Williams, Devine, Purcell, Shanklin, Beller, Haywood, Warren. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at approximately 9:28 p.m. and reconvened in regular, open session at approximately 9:45 p.m. with all members present upon roll call.

Vincent said executive session was held on Item 35 to discuss the pending damage claim of Donnette Gordon against the City, and he requested a motion to allow the City Attorney to offer to extend the time of settlement negotiations for six months.

MOVED by Smith, SECOND by Warren, to allow the City Attorney to offer to extend the time of settlement negotiations for six months. AYE: Devine, Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams. NAY: None. MOTION CARRIED.

Vincent reported executive session was held to discuss Item 36 regarding the fire union negotiations and no action is required.

Vincent reported executive session was held to discuss Item 37 regarding negotiations with the police union for the next fiscal year contract. He requested a motion to authorize the final offer of settlement to the police union.

MOVED by Devine, SECOND by Smith, to authorize the final offer of settlement to the police union. AYE: Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams, Devine. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned upon motion, second and roll call vote at 9:50 p.m.